

Appl. No. : 10/714,097
Filed : November 14, 2003

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Applicant confirms the election of the species I claims, 18, 19, 28-31 and 48. Claims, 18, 19 and 28-31 are specific to the species I; and claim 48 is generic. Since claim 48 is generic, applicants herewith retains the withdrawn claims.

Claims 18-19 and 48 stand rejected under 35 USC 102b as allegedly being anticipated by Ogasawara. In response, the claims are amended herewith to recite details from paragraphs 21-22 of the specification, which explain the details of the obtaining of the data which is done herein.

Ogasawara admittedly teaches using a camera in a phone to obtain barcode information. However, the way in which the information is obtained and used is wholly different than what is now claimed. Referring to Ogasawara's disclosure, one sees the embodiment with the wireless telephone and digital camera discussed beginning around paragraph 118. Paragraph 124 describes the camera. Paragraph 131 explains how the digital camera 236 is used in place of a bar code scanner. As explained in that section, the camera can "include character recognition and/or pattern recognition, as well as barcode decode software, which would allow the wireless videophone to function in a manner similar to the wireless telephone and barcode scanner discussed above". Paragraph 132 explains that in the information can be sent to the server, which then carries out "a character recognition and/or pattern recognition application routine ... in order to either decode the bar code .. or to perform pattern recognition functions

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on a icon like patter (sic) captured..." .

Hence, Ogasawara teaches decoding the barcode in the server using character recognition or pattern recognition – not, by detecting “spacing between elements of the image” and “sending numerical information” as defined by claim 18. More specifically, claim 18 defines that the processor in the communication device is used to analyze spacing between elements of the image of the barcode to obtain numerical information. Nothing in Ogasawara teaches obtaining this kind of numerical information – in fact, Ogasawara teaches recognizing a pattern or a character – not converting the spacing into numerical information as claimed. Claim 18 defines the portable communication device for sending that numerical information to a server, and based on information obtained from the server, displaying information on the display. Ogasawara never contemplated obtaining numerical information from the barcode, sending it to the server in this way, and then returning information to be displayed on the display, as now claimed. Rather, Ogasawara taught pattern recognition or character recognition. This technique requires that Ogasawara has to send the **WHOLE IMAGE** to the server for analysis. In contrast, claim 18 gets numerical information from that image and sends that numerical information to the server. The system defined by claim 18 can send numerical information instead of the image – this can be less information – something that is not possible using Ogasawara’s “character recognition and/or pattern recognition” system.

Claim 19 defines even further detail that is even more clearly unobvious based on Ogasawara. Claim 19 defines using the processor to determine edge spaces defining edges of the barcode within the image, by finding spaces within the image that

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are larger than an allowable space between elements of the barcode and which define edges of the barcode. The processor is then used to determine sizes of barcode portions within the images between the dead spaces and to form numerical information indicative of those sizes.

Nothing in Ogasawara makes this determination of an allowable space and determines of portions within the image between the dead spaces.

Moreover, claim 19 defines finding numerical information based on information between the edge spaces, and sending that information to the remote server and receiving information from the remote server about the contents of the barcode. That information is displayed on the display unit of the portable device. This is wholly different than anything disclosed or suggested by Ogasawara. Moreover, this produces an even further unexpected advantage: specifically that less of the information needs to be sent to the server. Since this system finds edges, it can omit sending image information that is outside those edges. Nothing in the cited prior art teaches, suggests or contemplates this claimed feature.

Claim 48 has been amended in an analogous way, to define determination of the spaces within the image of the barcode that are larger than an allowable space to define edges of the barcode. This has the distinctions and advantages as discussed above. As described above, this is in no way taught or suggested by the cited prior art.

The dependent claims should be allowable by virtue of their dependency.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because

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the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please charge any unpaid fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

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